

MAY HAVE TRACED THE PISTOL

MYSTERIOUS WITNESS TAKEN TO SEE NAN PATTERSON.

Man Turns Up Who Swears He Saw "Cesar" Young Shoot Himself After Scuffle—Judge Refuses to Release Woman—Indictment to Be Sought To-day.

Rumors were persistent about the Criminal Courts Building yesterday that detectives working for the District Attorney had found a pawnbroker who sold the pistol with which "Cesar" Young was shot as he sat in a cab with Nan Patterson last Saturday morning. Detective Sergeant Price brought a mysterious person to the Tombs and took him to District Attorney Jerome, who, by the way, made his first personal appearance in the case—and from the District Attorney the man was guided over the Bridge of Sighs into the Tombs prison, and so taken into the presence of Miss Patterson. The actress was engaged at that moment in a close conversation with her lawyers, Mr. Levy and Mr. Unger, and the visitor did not have an opportunity to get a good look at her face. A few minutes later Miss Patterson was taken to the Coroner's court room, where she and her counsel found the mysterious man planted where he could get a good view of the young woman as she sat, with Mr. Levy on her right and Mr. Unger on her left, at the table facing the Coroner.

As soon as the proceedings before the Coroner were over, Detective Price and the stranger hurried out of the Franklin Street entrance of the Criminal Courts Building and walked rapidly over toward Broadway. Neither the detective nor the man in his charge would say a word as to the object of the visit to the Tombs and the court room, though it obviously was to give the stranger an opportunity to see the prisoner and identify her if possible with some woman with whom he had had a transaction of some kind.

It was persistently rumored and generally believed that this transaction was nothing more nor less than the sale of the revolver and that the stranger was a pawnbroker.

Nan Patterson is back in the Tombs, to stay there until a complete autopsy has passed upon her gun. In connection with the wealthy young bookmaker's death. With the dismissal of the writ of habeas corpus and certiorari by Justice John Proctor Clarke in Part II. of the Supreme Court, and with the refusal of Coroner Brown a few hours later to accept bail for her, Miss Patterson's lawyers exhausted all their resources in getting her out of the Tombs. Nothing now remains for her but to await the slow process of the law in the case of persons held under a charge of murder in the first degree.

It was evident yesterday that the representatives of the District Attorney were proceeding with much more assurance and spirit in the case than at any time since it came into their hands. Mr. Jerome early dismissed the fact that the revolver had been purchased and sold nearly six years ago by a firm of dealers in firearms on the present case. There was time, he argued, for it to have changed hands a dozen times during that interval. When Mr. Jerome was asked if all traces of the weapon ended with its sale in Broadway six years ago until it was found in Cesar Young's coat pocket after a bullet from it had crashed through the skull and paralyzed the body, causing instant coma and paralysis, Mr. Jerome declined to answer.

I will not discuss that subject," was all he could say.

In addition to the witness above described the District Attorney has still another. Coroner Norlander, who has been in the Tombs since he was in the Mills Hotel at 160 Bleecker street. Norlander's testimony is believed to be very important. He was in West Broadway when the tragedy occurred last Sunday morning and he was an eyewitness to at least some of the events which took place in the cab.

Still another person who says that he was an eyewitness has developed in the person of Algonquin C. Meyer, a young man, who was under a long and minute cross-examination in the office of Assistant District Attorney Rand yesterday afternoon. The story he told was that he was going up West Broadway on the morning of the shooting; that his attention was attracted by the actions of a man and a woman driving southward in a hansom cab; that the man and the woman seemed to be scuffling and that Meyer thought they were scuffling; that he saw the man draw a revolver; that the revolver was held in the man's right hand and that the man had his right arm around the woman's neck; that while in this position and while the muzzle of the revolver must have been close to the left breast of the woman, Meyer saw a bullet heard a dull report which he would not have noticed in the noise of the street traffic had he not seen simultaneously a puff of smoke from the interior of the cab and the man's right arm drop nervously from the woman's neck while his body pitched forward.

Meyer said he saw a crowd gather, knew something serious had happened, and immediately got away from the neighborhood. He said he was in the vicinity and anxious to get away to Florida soon, he did not wish to be mixed up in the trouble and perhaps detained and interrupted in his trip.

The scene which Meyer described is one which hypothetically has been described many times in print and in conversation. Persons who have theorized on the possible ways such a death would as Young received might have been self-inflicted, either accidentally or intentionally. The theories involving self-infliction of the wound, it runs against the stone wall which the finding of the pistol in the woman's hand throws in the way of the man who shot himself. All medical authorities thus far are agreed that a man shot as Young was would have produced instant paralysis and unconsciousness. The pistol, the authorities say, would have dropped from the man's hand.

Meyer said steadily to his story and was not shaken in the least in it by the long cross fire of questions to which he was subjected by District Attorney Jerome, by Mr. Garvan and by Mr. Rand, his attorneys for him was prepared, and he was under surveillance of detectives all of last night.

was his duty, under the statute, to issue his commitment. The effect of the commitment is simply to keep the person who there is reasonable cause to believe is chargeable with the killing, through the period of preliminary investigation. While the papers are not as full and clear as desirable, yet I think they disclose all the substantial matters required by the statute.

Had Miss Patterson been released by Justice Clarke, she would have been immediately arrested on a charge of murder in the first degree, as brought before the Magistrate for a hearing. Judge Olmsted in Special Sessions had issued the warrant and detectives were waiting in the Tombs to take her as soon as she appeared.

The appearance of the prisoner before Coroner Brown shortly after Justice Clarke's decision was to furnish bail in \$5,000, as had been agreed upon at the hearing before the coroner on Saturday afternoon last. Mr. Jerome in person appeared before the coroner and Mr. Levy spoke for Miss Patterson. Mr. Levy referred to the agreement as to bail, and said he was there now prepared to furnish the bond of \$5,000, as had been agreed upon. Mr. Jerome said that the charge on which the prisoner was held, legally held as had just been decided by the Supreme Court, was murder in the first degree, and therefore bail could not be accepted. Mr. Levy replied briefly, when Coroner Brown said:

"You can cut this matter short by saying that information has come to me which makes it my duty to hold the prisoner without bail, there being reasonable ground for believing that the crime of murder in the first degree has been committed."

"His information came to your Honor since the last record?" asked Mr. Levy. "It has," replied the Coroner. "It has come to me very recently."

Miss Patterson listened to all of this discussion with every outward indication of complete composure of mind. She was dressed in complete mourning, and that fact made her naturally colorless face seem rather pale, but she smiled pleasantly at something one of her counsel said to her.

Capt. Sweeney, of the Leonard street police station, who has done about as thorough and as skillful work as anybody connected with the case, said last evening that more was accomplished yesterday toward clearing up the mystery than during all the time since the shooting. He declined to specify what had been done, however. He would not say whether a pawnbroker had been found who sold the pistol, or discuss whether there was any important testimony unearthed yesterday as to an eyewitness. He said that at the beginning of the case, he was entirely sure that a young woman and that he believed it was a simple case of suicide, whereas now he does not believe it was a suicide and that the young woman has much to explain.

"I am very well satisfied, indeed, with the state of the case now," he continued, and I will leave such testimony as I have found that I am almost ready to predict that the Grand Jury to-morrow will find an indictment for murder in the first degree against Miss Patterson."

Last evening Detective Quinn of the Eighth precinct told Algonquin C. Meyer, client immediately set free. Nothing now remains for her but to await the slow process of the law in the case of persons held under a charge of murder in the first degree.

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While the District Attorney would not admit as much evidence as the question, it is generally believed that the testimony of the witnesses secured by his office will be laid before the Grand Jury to-day and an indictment returned in the murder in the first degree against Mr. Miller, Young's cousin and confidential agent; B. S. McKinnon, Young's brother-in-law; Morgan Smith, the husband of Miss Patterson's sister; Policeman Junior and a number of other witnesses were brought to the Criminal Courts Building yesterday afternoon and were examined again by representatives of the District Attorney.

Justice Clarke, in rendering his decision dismissing the writ of habeas corpus and remanding Miss Patterson to the Tombs, said:

The affidavit sets forth the finding of an unconscious man dying from a pistol shot wound, with a revolver in his right hand, coat pocket, lying across the lap of a woman in a hansom cab, the presence of the officer was present at the autopsy performed on the body. It seems to be clearly a case of homicide or suicide. The positions of the wound and the revolver seem to me to establish, within the meaning of the statute, probable cause to believe that it was homicide and not suicide.

Such facts appearing from the sworn examination of the informant upon his own personal knowledge, it seems to me that the Coroner had warrant and that it

THE KILLING OF M'DONNELL.

SHOT WITHOUT WARNING BY HIS FRIEND R. E. PREUSSER.

He Was Called to the Door of His Room in the Hotel Ten Eyck, Albany, and Both Barrels of a Shotgun Empty Into His Head—Men Had Quarreled.

ALBANY, June 8.—This morning, in a late edition, told how before 1 o'clock this morning Myles B. McDonnell of Boston was called to the door of his room in the Hotel Ten Eyck and shot dead by Richard E. Preusser of this city. McDonnell was the auditor of the Boston Metropolitan Stock Exchange and Preusser a member of the firm of Preusser & Co., which operates a bucket shop here in connection with the Boston house.

Preusser has been in Albany about fifteen years, having come here from New York city, where he was a member of the Consolidated Stock Exchange. The two men had been fast personal and business friends. McDonnell is the man who had a quarrel with some poolroom men in a saloon in Harlem a few years ago, when he shot three of them, killing one. McDonnell was tried before Justice Furman and acquitted on the ground of self-defense. Preusser aided McDonnell materially at that time.

Preusser was locked up in a cell in the Second precinct station house, and early this morning, before Justice Brady, pleaded not guilty. He was to have been arraigned at 2 o'clock this afternoon, but as he was asleep in his cell at the county jail at that hour, the case was adjourned until 10 o'clock to-morrow morning. Judge Andrew Hamilton, who is a personal friend of Preusser, is his counsel. To-day as Mr. Hamilton was in New York his partner, Mr. Towner, appeared for Preusser. The friends of Preusser insist that he is insane and will ask the Court to appoint a commission to pass on his sanity.

The murder was one of the most sensational and was carried out in the most methodical, deliberate manner imaginable. McDonnell, Preusser and a party of friends had been about the city yesterday. They had been drinking heavily, and last night they went to Keeler's restaurant, where they had dinner, and then sat about the table. McDonnell had come to Albany to clear up a matter concerning the disposition of George Train, an insane member of Preusser's firm.

Last week George Train came to Albany and was the guest of Preusser. He had been a member of the Metropolitan Stock Exchange, and it was said that he went crazy brooding over the loss of \$500,000. He had been sent to a sanitarium in Massachusetts and had written from there that he had got out he would shoot a member of the exchange who he believed was responsible for his loss. It was decided to bring Train into New York State, and Preusser was to have him placed in a sanitarium here. He arrived in Albany last Friday, and on that day and Saturday was about the city with Preusser. Saturday night Train was picked up by the police while acting queerly about the city. He was sent to the insane pavilion of the City Hospital. Preusser was to have him sent to the Marshall Infirmary at Troy, and McDonnell came on from Boston to assist in the removal of the demented man to that place.

McDonnell and Preusser went to the hotel last night, where they were apparently on the terms of friendship. They sat chatting pleasantly with their companions. Then McDonnell got up from the table and went downstairs to the toilet in Keeler's restaurant. Preusser followed him down, and people upstairs were surprised to hear angry words coming from the toilet. Preusser, who is a former man, when drinking has always been noted for his fiery temper, and his friends thought it was simply a drunken argument, and paid no attention to it. When McDonnell came upstairs he said to John Keeler, one of the proprietors: "Poor Dick is crazier than Train."

He left the restaurant and went to his room at the Ten Eyck. Preusser came upstairs from the toilet looking moody and ill-tempered. He went out of the restaurant and passed down the street, a block below the restaurant, to his office. He opened the door of his office, took a double-barreled breech-loading shot gun down from the wall, loaded it and then went to the restaurant again. He stopped at the desk and said:

"I've got my odds now. I'll show him." He left the restaurant and went to his room, carrying his gun in his arm. Mr. Keeler thought it strange that Preusser should have a gun, and he tried to telephone to the police, but he was unable to get through. McDonnell's room, but he didn't succeed. Going up to the night clerk of the Ten Eyck Preusser asked for McDonnell. The night clerk said he was in the room. As Preusser is so well known about the hotel he was permitted to go to the room and the second floor without being asked what he was doing there. Preusser went to the room and found McDonnell. The night watchman also saw him and asked him the same question and received the same answer. McDonnell gave no consideration to the fact that he carried a gun.

Preusser went to McDonnell's room, placing the muzzle of the gun over his shoulder and then he sighted the weapon and then he fired. McDonnell fell back and without a word Preusser pulled the triggers and the contents of both barrels were emptied into McDonnell's head. Death was instantaneous.

Preusser stopped to see what had been done, placed the gun in the jamb of the door, walked down the stairs and out of the hotel, followed by the night watchman. Preusser went to the Second precinct station house and gave himself up. He telephoned to his wife, who was in the city, and she visited him, he was permitted to interview him in the private office of the chief of police.

The hotel people were alarmed by the report of the gun and ran to McDonnell's room. Physicians were summoned, but the man was dead. He remains there taken in charge by Coroner A. Guyling. His wife, in Boston, had been notified. From letters found on his person it was seen that there was some trouble between him and Preusser and it is said that it was all over who was to bear the expense of caring for Train.

Preusser is highly regarded in this city. He has very influential friends who have visited him and are doing their utmost to have him released from the insane asylum. He was a heavy drinker and was also a cigarette fiend. His wife was overcome when she left him in the Second precinct station house.

When sober "Dick" Preusser was one of the most amiable and even-tempered men in the city. He was kind hearted and liberal and every day he was to be seen in the city. He had handled thousands of dollars for the political party and his word was as good as his bond any time.

Preusser had leased for the summer the Edgar F. Hewitt furnished cottage on York avenue, Saratoga, and was to have taken possession on June 28. For some reason he and his family have occupied the Mrs. A. L. Van Tassel furnished cottage on Circular street in this village.

For Mrs. McDonnell, FROSTBATED. Boston, June 8.—The full particulars of the tragedy were conveyed to Mrs. McDonnell at Jamaica Plain this morning by a reporter. Having received the news from another source about it, she was at first loath to believe it, but when she realized that it was all true she was prostrated. "I don't see how it can possibly be," she cried. "I don't see how God could let this happen. The past troubles seemed so far

WHO SETTLED SHIPYARD SUIT?

KAVANAUGH OF SARATOGA COUNTY HAS GOT HIS MONEY.

And Assigned to Edward P. Coyne His Stocks, Bonds and Chose in Action—Retiree From the Shipbuilding Business and Will Stick to Knit Goods.

AS THE SUN said yesterday, the claim of \$73,375 of Charles H. Kavanagh, the wealthy knit goods manufacturer of Waterford, Saratoga county, against the Mercantile Trust Company, Alvin W. Kreech, John J. McCook and Charles C. Deming has been settled. Coyne & Co., who settled it, had not been disclosed. In fact, Henry C. Deming, president of the Mercantile Trust Company, said yesterday morning that he knew nothing about any settlement and that the case would be vigorously defended. John Cadwalader and John G. Milburn, attorneys for the defendant, knew nothing about any settlement.

The mystery, therefore, is as to the identity of the person or persons who were good enough to settle with Mr. Kavanagh. Mr. Kavanagh got his money and is perfectly satisfied with the terms he was able to make. A Waterford friend of Mr. Kavanagh was in town yesterday and seemed to be particularly jubilant over the result. He, apparently, didn't see why all the facts regarding the settlement should not be made public. According to him, the final terms of settlement were agreed upon and the deal closed at the Hotel Manhattan last Saturday morning, when there were present Charles H. Kavanagh, his attorney, Senator Edgar T. Brackett of Saratoga, and ex-Judge Edward P. Coyne, whose office is at 236 Broadway and who came to New York from Livingston county a year or two ago to accept a large retainer from the Metropolitan Street Railway Company. For whom Mr. Coyne acted is not stated.

At any rate, after all details had been arranged Mr. Kavanagh assigned in his name to Judge Coyne \$50,000 par value of the bonds of the United States Shipbuilding Company, 500 shares of the common stock of that corporation and 200 shares of the preferred stock, together with whatever interest he might have in the suit which he had brought against the Mercantile Trust Company and others. Besides that assignment Mr. Kavanagh gave written authority to Judge Coyne to reassign the securities and Kavanagh's interest in the suit as Judge Coyne saw fit. Mr. Kavanagh did not assign, however, any rights he might have to bring suit against the Commonwealth Trust Company or any one else interested in the formation of the United States Shipbuilding Company other than the defendants in this particular suit. In return for this assignment, Mr. Kavanagh received something more than \$70,000 for himself, together with all his expenses and lawyers' fees. Of the total amount handed over to him, \$65,000 was in the form of a draft drawn on a private banking house and payable through the Merchants' Exchange National Bank. This amount was not made payable to Mr. Kavanagh, however, and it is doubtful if he even saw it. He got the proceeds.

Everybody shook hands, and the up State parties to the transaction returned home. According to Mr. Kavanagh's Waterford friend, the knit goods manufacturer is highly satisfied with the result of his lawsuit, and he will now retire from the shipbuilding business.

SHOOK DENIES CHARGES. Says He Will Bring Suit to Compel Secretary Taft to Restore Him to the Army.

WASHINGTON, June 8.—John M. Shook of Kansas, who was discharged from the army last year, made a statement to-day in answer to the refusal of Secretary Taft to agree to his restoration to a Lieutenancy. He took particular exception to the connection of his name with that of Lerma, a native of the Philippines, who was investigated by Mr. Taft, then Governor of the Philippines, from the office of Secretary of Bataan Province, on the charge of having extorted \$500 from an old woman.

Shook in his statement said that Lerma was his interpreter at a time when a number of houses were burned in Bataan Province and that he was present at the burning. Shook said that if a house belonging to an old woman was not burned she would persuade her two sons to leave the insurgent army and that he was present at the burning. Shook said that he was present at the burning and that he was present at the burning.

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FOR THURSDAY, FRIDAY AND SATURDAY:

Pajamas for Men

Regularly \$2, \$3 and \$4, At \$1.45.

Well tailored Pajamas for all manner of Men. They are of such seasonable fabrics as Dimity, Damask, Filigree Cloth, White Nainsook, Lonsdale Cambric, Mercerized Madras, Silk-and-Linen and kindred weaves in white, blue, tan, pink and gray, in military or conventional models, with silk frogs or buttons.

Saks & Company
BROADWAY, 33D TO 34TH STREET.

The mystery, therefore, is as to the identity of the person or persons who were good enough to settle with Mr. Kavanagh. Mr. Kavanagh got his money and is perfectly satisfied with the terms he was able to make. A Waterford friend of Mr. Kavanagh was in town yesterday and seemed to be particularly jubilant over the result. He, apparently, didn't see why all the facts regarding the settlement should not be made public. According to him, the final terms of settlement were agreed upon and the deal closed at the Hotel Manhattan last Saturday morning, when there were present Charles H. Kavanagh, his attorney, Senator Edgar T. Brackett of Saratoga, and ex-Judge Edward P. Coyne, whose office is at 236 Broadway and who came to New York from Livingston county a year or two ago to accept a large retainer from the Metropolitan Street Railway Company. For whom Mr. Coyne acted is not stated.

At any rate, after all details had been arranged Mr. Kavanagh assigned in his name to Judge Coyne \$50,000 par value of the bonds of the United States Shipbuilding Company, 500 shares of the common stock of that corporation and 200 shares of the preferred stock, together with whatever interest he might have in the suit which he had brought against the Mercantile Trust Company and others. Besides that assignment Mr. Kavanagh gave written authority to Judge Coyne to reassign the securities and Kavanagh's interest in the suit as Judge Coyne saw fit. Mr. Kavanagh did not assign, however, any rights he might have to bring suit against the Commonwealth Trust Company or any one else interested in the formation of the United States Shipbuilding Company other than the defendants in this particular suit. In return for this assignment, Mr. Kavanagh received something more than \$70,000 for himself, together with all his expenses and lawyers' fees. Of the total amount handed over to him, \$65,000 was in the form of a draft drawn on a private banking house and payable through the Merchants' Exchange National Bank. This amount was not made payable to Mr. Kavanagh, however, and it is doubtful if he even saw it. He got the proceeds.

Everybody shook hands, and the up State parties to the transaction returned home. According to Mr. Kavanagh's Waterford friend, the knit goods manufacturer is highly satisfied with the result of his lawsuit, and he will now retire from the shipbuilding business.

SHOOK DENIES CHARGES. Says He Will Bring Suit to Compel Secretary Taft to Restore Him to the Army.

WASHINGTON, June 8.—John M. Shook of Kansas, who was discharged from the army last year, made a statement to-day in answer to the refusal of Secretary Taft to agree to his restoration to a Lieutenancy. He took particular exception to the connection of his name with that of Lerma, a native of the Philippines, who was